

JUDGE MARSHA J. PECHMAN

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	
)	
<i>Plaintiff,</i>)	No. CR04-489P
)	
v.)	STIPULATION AND ORDER
)	CONTINUING MOTIONS FILING
TROY L. TAYLOR,)	DEADLINE AND TRIAL DATE
)	
<i>Defendants.</i>)	
_____)	

Plaintiff United States of America and defendant TROY L. TAYLOR, by and through their undersigned counsel of record, hereby stipulate and agree to continue the deadlines for filing motions, and to a continuance of the trial date which is currently set on August 15, 2005, for an additional 60 days. This continuance is requested, and required in the interest of justice, for the following reasons.

Plea negotiations continue in earnest, and both parties remain hopeful that this case can be resolved without a trial. However, central to a resolution of this case is the issue of whether the Armed Career Criminal Act ("ACCA") applies, which requires, upon conviction, the imposition of a fifteen year mandatory minimum sentence. More specifically, there is a genuine issue as to whether Washington's First Degree Theft statute, RCW 9A.56.030, can count as a predicate offense under the ACCA. The parties understand that this specific issue (and statute)

is currently pending before the Ninth Circuit Court of Appeals. Thus, the parties believe that it would be prudent to await a decision from the Ninth Circuit on this issue before resolving this case.

Accordingly, the parties request an extension of the motions filing deadline from the current date, and to a continuance of the trial date from August 15, 2005, for an additional 60 days.

DATED this day of August, 2005.

RICHARD J. TROBERMAN, P.S.

By: _____
RICHARD J. TROBERMAN
WSBA #6379
Attorney for Defendant
Troy L. Taylor

JOHN McKAY
United States Attorney

By: _____
Kent Y. Liu
Assistant U.S. Attorney

ORDER

Based upon the above stipulation of the parties, and for the reasons set forth therein, the Court finds that, pursuant to 18 U.S.C. §3161(h)(8)(A), the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial, and that the period of delay resulting from this continuance shall be excluded in computing the time within which the trial of this matter must commence. Accordingly,

IT IS HEREBY ORDERED that, subject to the Court's receipt of an appropriately completed Speedy Trial Waiver, the motion filing deadline shall be extended to September 22, 2005, and it is

FURTHER ORDERED that the trial date is continued from August 15, 2005, to October 31st 2005.

DATED this 15th day of August, 2005.

/S/Marsha J. Pechman
UNITED STATES DISTRICT JUDGE